



TW 1714

PTO/SB/21 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number	10/044,407
Filing Date	January 11, 2002
First Named Inventor	Dennis M. Hilton
Art Unit	171
Examiner Name	Toomer, Cephia D.
Attorney Docket Number	621P001

ENCLOSURES (Check all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/
Incomplete Application
<input type="checkbox"/> Reply to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers

<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address

<input type="checkbox"/> Terminal Disclaimer

<input type="checkbox"/> Request for Refund

<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC

<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences

<input type="checkbox"/> Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

<input type="checkbox"/> Proprietary Information

<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify
below):
-Communication, together Evidence
Appendix and a copy of the Hilton
Declaration entered on 10/1/04. |
|--|--|---|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Nields & Lemack		
Signature			
Printed name	Kevin S. Lemack		
Date	December 5, 2006	Reg. No.	32,579

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Kevin S. Lemack	Date	December 5, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dennis M. Hilton, et al.
Serial No. : 10/044,407
Filed : January 11, 2002
For : FOAMED FIREPROOFING COMPOSITION AND METHOD
Examiner : Toomer, Cephia D.
Art Unit : 1714
Confirmation No. : 8920
Customer No. : 42754
Attorney Docket No. : 621P001

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 5, 2006 (Date)

Kevin S. Lemack
Name of applicant, assignee, or Registered Representative

[Signature]
Signature

December 5, 2006
Date

COMMUNICATION

Submitted herewith is a corrected Evidence Appendix identifying the Hilton Declaration entered in the record on October 1, 2004. Appellant is relying on this evidence in this appeal (the previously submitted Evidence Appendix incorrectly indicated that no evidence is being relied upon).

Respectfully submitted,

[Signature]
Kevin S. Lemack
Reg. No. 32,579
Niels & Lemack
176 East Main Street, Suite 7
Westborough, MA 01581
Attorney for Appellant
TEL: (508) 898-1818



EVIDENCE APPENDIX

An appendix containing a copy of the Hilton Declaration entered in the record on October 1, 2004 and relied upon in this appeal is submitted herewith.